

Mailing Date: SEP 11 2012

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ADMINISTRATIVE LAW JUDGE  
FOR THE  
PENNSYLVANIA LIQUOR CONTROL BOARD

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	IN RE: CITATION NO. 11-1845
LIQUOR CONTROL ENFORCEMENT	:	
	:	BLCE INCIDENT NO. W06-436691
	:	
	:	
v.	:	
	:	
	:	PLCB LID - 19001
M.M.C., INC.	:	
T/A MUNCY VALLEY INN	:	PLCB LICENSE NO. R-AP-SS-17902
11971 ROUTE 42	:	
PO BOX 69	:	
MUNCY VALLEY, PA 17758	:	

**ADJUDICATION**

**BEFORE JUDGE THAU  
BUREAU COUNSEL PIETRZAK  
LICENSEE: NO APPEARANCE**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on November 10, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against M.M.C., INC., License Number R-AP-SS-17902 (hereinafter "Licensee").

The citation charges Licensee with violation of Sections 491(1), 492(2), 492(3) and 493(16) of the Liquor Code [47 P.S. §§4-491(1), 4-492(2), 4-492(3) and 4-493(16)] in that on September 24, 2011, Licensee, by its servants, agents or employees, sold alcoholic beverages after its Restaurant Liquor license expired on August 31, 2011, and had not been renewed and/or validated.

The investigation which gave rise to the citation began on September 20, 2011 and was completed on September 25, 2011; and notice of the violation was sent to Licensee by Certified Mail on September 29, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on July 25, 2012 at 542 County Farm Road, Montoursville, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee(s) at its address of record, 11971 Route 42, PO Box 69, Muncy Valley, PA 17758 by certified mail on June 1, 2012. The notice set forth the date and time of the hearing as July 25, 2012 at 3:00 p.m., and the place of hearing as The Lysock Complex, 542 County Farm Road, Suite 2, Montoursville, PA 17754-9865.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

On September 24, 2011, an undercover Bureau Enforcement Officer entered the premises. Licensee was open and operating, selling alcoholic beverages. Licensee's Corporate President admitted that Licensee was selling alcoholic beverages without a license which expired on August 31, 2011 (N.T. 5-10).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since February 25, 1986, and has had eight prior violation(s) since July 1, 1987, the date of establishment of the Office of Administrative Law Judge:

IN RE:

Citation No. 91-2365. Fine \$600.00.

1. Licensed corporation was not the only one pecuniarily interested in the operation of the licensed business.
2. Failed to appoint a Board approved full time manager for the licensed premises.

Citation No. 96-2678. Fine \$100.00.

1. Issued worthless checks in payment for malt or brewed beverages.

Citation No. 97-2248. Fine \$300.00.

1. Sales after the restaurant liquor license expired and had not been renewed.

Citation No. 98-2167. 1 day suspension.

1. Issued worthless checks in payment for malt or brewed beverages.

Citation No. 00-0531. Fine \$50.00 and 1 day suspension.

1. Issued worthless checks in payment for malt or brewed beverages.

Citation No. 01-0851. Fine \$75.00 and 1 day suspension.

1. Issued worthless checks in payment for malt or brewed beverages.

Citation No. 01-2007. 1 day suspension.

1. Sales after the license expired and had not been renewed and/or validated.

Citation No. 10-0203X. Fine \$150.00.

1. Issued worthless checks in payment for malt or brewed beverages. December 23, 2009.

PENALTY:

Section 471 of the Liquor Code [47 P.S. §4-471] prescribes a penalty of license suspension or revocation or a fine of not less than \$1,000.00 or more than \$5,000.00 or both for violations of the type found in this case.

As Licensee has failed to appear or obey process, under the circumstances of this case the penalty imposed shall be \$2,000.00.

ORDER

THEREFORE, it is hereby ordered that Licensee M.M.C., INC., pay a fine of \$2,000.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

Jurisdiction is retained.

Dated this 31<sup>ST</sup> day of August, 2012.



Felix Thau, ALJ

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**MOTIONS FOR RECONSIDERATION CANNOT BE ACTED UPON UNLESS THEY ARE IN WRITING AND RECEIVED BY THE OFFICE OF ADMINISTRATIVE LAW JUDGE WITHIN 15 DAYS AFTER THE MAILING DATE OF THIS ORDER, ACCOMPANIED BY A \$25.00 FILING FEE.**

**IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 717-783-9454.**

**Detach here and submit stub with payment**

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The fine must be paid by Cashier's Check, Certified Check or Money Order. **Personal and business checks are not acceptable unless bank certified.** Make guaranteed check payable to the Commonwealth of Pennsylvania and mail to:

PLCB-Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg PA 17110-9661

IN RE: CITATION NO. 11-1845  
M.M.C., INC.